

Message Text

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ACTION ARA-10

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FM AMEMBASSY LA PAZ

TO SECSTATE WASHDC IMMEDIATE 3973

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FOR DEPUTY ASST SECRETARY LUERS; FOR AMBASSADOR VANCE-S/NM

E.O. 11652: N/A

TAGS: CASC BL

SUBJ: PRELIMINARY VIEWS OF WASHINGTON TEAM ON PRISONER PROBLEM

1. TEAM ARRIVED LA PAZ SATURDAY EVENING JAN 29. SUNDAY MWT WITH AMBASSADOR, DCM AND CONSUL TO REVIEW TEAM GUIDELINES AND TO DISCUSS EMBASSY VIEWS OF PRISONER PROBLEMS.

2. MONDAY MORNING TEAM VISITED NARCOTICS POLICE HDQ AND DISCUSSED PRISONER SITUATION WITH COLONEL APARICIO, CHIEF NARCOTICS POLICE.

3. TEAM INFORMED APARICIO OF ITS MISSION AND OBJECTIVES. HE WAS ALSO INFORMED THAT AMBASSADOR VANCE IS LEAVING NARCOTICS RESPONSIBILITIES AT DEPT AND IS BEING REPLACED BY MS MATHEA FALCO WHO WILL ALSO CHAIR US DELEGATION TO GENEVA MEETING. ASSUREANCES WERE GIVEN THAT CHANGES WITHIN THE DEPT WOULD NOT AFFECT US-BOLIVIAN NARCOTICS PROGRAM. APARICIO STATED THAT HE IS LOOKING FORWARD TO MEETING MS FALCO DURING GENEVA MEETING TO DISCUSS PROGRAM NEEDS.

4. TEAM EXPRESSED INTEREST AND CONCERN FOR US PRISONERS HELD IN BOLIVIA WHICH COULD AFFECT JOINT NARCOTICS PROGRAM UNLESS SAT-
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ISFACTORILY RESOLVED. APARICIO WAS AWARE OF US PRESS REPORTS AND HE ACKNOWLEDGED GOB CONCERN FOR DELAYS IN PROCESSING PRISONERS CASES. HE EXPLAINED FOUR CONTRIBUTING FACTORS: (A) JUDGES FELT PENALTIES UNDER 1973 LAW WERE TOO SEVERE, HESITATED TO APPLY IT AND WERE FEARFUL OF BEING TOO LENIENT. (AS EXAMPLE, APARICIO MENTIONED THAT ONE JUDGE HAD BEEN SENTENCED TO PRISON ON MALFEASANCE CHARGES PRESSED BY NARCOTICS POLICE THAT HE HAD DISMISSED A CASE

IN THE FACE OF SUBSTANTIVE EVIDENCE OF GUILD.); (B) JUDGES, PROSECUTORS AND POLICE SOUGHT TO SHIFT RESPONSIBILITY FOR LAW'S ADMINISTRATION; (C) DILATORY DEFENSE LAWYERS OFTEN APPEARED MORE INTERESTED IN FEES THAN IN ASSISTING THEIR CLIENTS; AND(D) NARCOTICS LAW WAS IN PROCESS OF REVISION AND ALL HANDS AWAITED ITS PROMULGATION.

5. APARICIO OPINED THAT SITUATION HAS CHANGED FOR BETTER AND THAT JUDGES, PROSECUTORS AND POLICE HAVE NOW DEFINED THEIR RESPONSIBILITIES AND RESPECTIVE INTERESTS. JUDGES HAD PREVIOUSLY FEARED ACCUSATIONS OF VENALITY IF CASES WERE DISMISSED, BUT JUDGES WERE NOW ASSURED THEIR INDEPENDENCE WOULD BE RESPECTED.

6. APARICIO SAID MINISTER OF INTERIOR WAS PERSONALLY REVIEWING US PRISONER CASES AND THAT QUOTE WITHIN TEN TO TWENTY DAYS 50 PERCENT OF THE CASES WOULD PROBABLY BE DISMISSED. UNQUOTE TEAM RESPONDED WITH DELIGHT AND INDICATED TO COLONEL APARICIO THAT THIS WOULD BE VERY HELPFUL DEVELOPMENT.

7. APARICI INTENDS TO VISIT WASHINGTON IN MARCH ON HIS RETURN FROM GENEVA TO REPORT NARCOTICS PROGRAM PROGRESS TO STATE, AID AND DEA. HE EXPECTS TO USE VISIT TO REVIEW PROGRAM REQUIREMENTS.

7-. TEAM THXCEXKTER VISITED WOMEN'S PRISON. ALL FIVE US FEMALE PRISONERS APPEAR IN SATISFACTORY PHYSICAL HEALTH, BUT MOST NEED DE GAL CARE. ALL UNDER SEVERE STRAIN AND HOPE FOR MORE PROMPT DISPOSITION OF THEIR CASES. NO PROMISES OR FALSE EXPECTATIONS RAISED BY TEAM, BUT PRISONERS WELCOMED ASSURANCES OF MARKED USG CONCERN. TEAM ASSURED PRISONERS THAT USG WOULD MAINTAIN INTEREST LIMITED OFFICIAL USE

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IN PROGRESS OF THEIR CASES AND THAT EMBASSY WILL CONTINUE TO PRESS FOR PROMPT GOB ACTION.

9. TEAM COMMENT:

9.A WE ARE REASSURED BY EMBASSY CONCERN OVER DIFFICULT AND DEMANDING SITUATION FACED BY PRISONERS. WE ARE ENCOURAGED BY COL APARICIO'S CONFIRMATION OF AMBASSADOR'S REPORT OF EARLY REVIEW AND RAPID DISPOSITION OF CASES BY MINISTER OF INTERIOR. WE BELIEVE IT USEFUL AND APPROPRIATE FOR MS FALCO TO SEE COLONEL APARICIO IN GENEVA TO REMPHASIZE SERIOUS USG INTEREST IN PROMPT RESOLUTION OF PRISONER PROBLEMS, AND ALSO TO REPEAT USG HOPE FOR PROMPT GOB ACTION IN ACCORDANCE WITH STATED INTENTIONS.
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